

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

JACKIE LEE BROWN,

Plaintiff,

v.

SHERIFF W.B. MELTON, ET AL.,

Defendants.

No. **2 09 0030**
(No. 2:08mc0011)
Judge Echols

ORDER

The Court has before it a complaint brought under 42 U.S.C. § 1983. The plaintiff, who was incarcerated in the Overton County Justice Center at the time he brought this action,¹ has submitted an application to proceed *in forma pauperis*.

The plaintiff's application to proceed *in forma pauperis* shows that he has insufficient financial resources to pay the filing fee in this action. Therefore, the plaintiff's application (Docket Entry Nos. 2, 7) is **GRANTED**. The Clerk is directed to **FILE** the complaint *in forma pauperis* 28 U.S.C. § 1915(a). However process will not issue.

For the reasons explained in the memorandum entered contemporaneously herewith, this action remains subject to the Prison Litigation Reform Act (PLRA). For reasons also explained in the Court's memorandum, the complaint is **DISMISSED** for failure to state a claim on which relief may be granted. 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

Under the PLRA, the "courts have no discretion in permitting a plaintiff to amend a complaint to avoid a *sua sponte* dismissal." *McGore v. Wigglesworth*, 114 F.3d 601, 612 (6th Cir. 1997). Moreover, since an appeal from the judgment rendered herein would **NOT** be taken in good

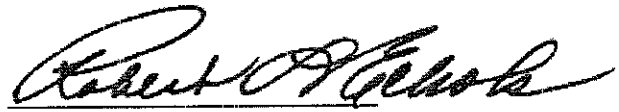
¹ The Clerk has amended the record to reflect the address submitted by the plaintiff in Docket Entry No. 13.

faith, the plaintiff is **NOT** certified to pursue an appeal from this judgment *in forma pauperis*

28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 444-46 (1962)

Entry of this Order constitutes the judgment in this action.

It is so **ORDERED**.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

Robert L. Echols
United States District Judge